

AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1305

Introduced by Senator Figueroa

February 16, 2006

~~An act to amend Section 117700 of, and to add Section 118286 to,~~
An act to add Sections 117671 and 118286 to the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as amended, Figueroa. Medical waste.

~~(1) The~~

The existing Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste, as defined. ~~Certain items are specifically excluded from the definition of medical waste.~~ The act is enforced by the department and local enforcement agencies.

~~This bill would also exclude household waste, except for home-generated sharps, as defined, from the definition of household waste.~~

~~The bill would prohibit a person, as defined, on or after January 1, 2008, from knowingly placing home-generated sharps in certain types of containers used for the collection of solid waste, construction, and demolition debris, greenwaste, or other recyclable materials, as specified. Since~~

Existing law permits a registered medical waste generator, if specified conditions are met, to accept home-generated sharps waste to be consolidated with the facility's medical waste stream.

Existing law also permits a household hazardous waste collection facility, if specified conditions are met, to operate a home-generated

sharps consolidation point, and permits the department to approve other home-generated sharps consolidation points.

This bill would specifically define home-generated sharps waste.

This bill would, on or after January 1, 2008, prohibit a person from knowingly placing home-generated sharps waste in certain types of containers, provide that home-generated sharps waste shall be transported only in a sharps container, as defined in the act, or other container approved by the department or local enforcement agency, and provide that this waste shall only be managed at specified locations consistent with existing law.

Since a violation of an order enforcing the Medical Waste Management Act would be is a misdemeanor, the bill would impose a state-mandated local program.

~~(2) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 117671 is added to the Health and*
 2 *Safety Code, to read:*

3 *117671. “Home-generated sharps waste” means hypodermic*
 4 *needles, pen needles, intravenous needles, lancets, and other*
 5 *devices that are used to penetrate the skin for the delivery of*
 6 *medications derived from a household, including a multifamily*
 7 *residence or household.*

8 ~~*SECTION 1. Section 117700 of the Health and Safety Code*~~
 9 ~~*is amended to read:*~~

10 ~~*117700. Medical waste does not include any of the following:*~~

11 ~~*(a) Waste generated in food processing or biotechnology that*~~
 12 ~~*does not contain an infectious agent as defined in Section*~~
 13 ~~*117675.*~~

14 ~~*(b) Waste generated in biotechnology that does not contain*~~
 15 ~~*human blood or blood products or animal blood or blood*~~

1 ~~products suspected of being contaminated with infectious agents~~
2 ~~known to be communicable to humans.~~

3 ~~(e) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,~~
4 ~~or vomitus, unless it contains fluid blood, as provided in~~
5 ~~subdivision (d) of Section 117635.~~

6 ~~(d) Waste which is not biohazardous, such as paper towels,~~
7 ~~paper products, articles containing nonfluid blood, and other~~
8 ~~medical solid waste products commonly found in the facilities of~~
9 ~~medical waste generators.~~

10 ~~(e) Hazardous waste, radioactive waste, or household waste.~~

11 ~~(f) Household waste, except for home-generated sharps, as~~
12 ~~defined in subdivision (b) of Section 118286.~~

13 ~~(g) Waste generated from normal and legal veterinarian,~~
14 ~~agricultural, and animal livestock management practices on a~~
15 ~~farm or ranch.~~

16 SEC. 2. Section 118286 is added to the Health and Safety
17 Code, to read:

18 118286. (a) On or after January 1, 2008, no person shall
19 knowingly place ~~a home-generated sharp~~ *home-generated sharps*
20 *waste* in any of the following containers:

21 (1) Any container used for the collection of solid waste,
22 recyclable materials, or greenwaste.

23 (2) Any container used for the commercial collection of solid
24 waste or recyclable materials from business establishments.

25 (3) Any roll-off container used for the collection of solid
26 waste, construction, and demolition debris, greenwaste, or other
27 recyclable materials.

28 ~~(b) For purposes of this section, “home-generated sharp”~~
29 ~~means a hypodermic needle, syringe, or lancet used or intended~~
30 ~~for use in a household, including a multifamily residence or~~
31 ~~household.~~

32 ~~(b) On or after January 1, 2008, home-generated sharps waste~~
33 ~~shall be transported only in a sharps container, or other~~
34 ~~containers approved by the enforcement agency, and shall only~~
35 ~~be managed at any of the following:~~

36 ~~(1) A household hazardous waste facility pursuant to Section~~
37 ~~25218.13.~~

38 ~~(2) A “home-generated sharps consolidation point” as defined~~
39 ~~in subdivision (b) of Section 117904.~~

1 (3) A medical waste generator’s facility pursuant to Section
2 118147.

3 (4) A facility through the use of a medical waste mail back
4 container approved by the department pursuant to subdivision
5 (b) of Section 118245.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.